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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee


SECOM-D-268

9 November 1984

MEMORANDUM FOR: Director of Central Intelligence


VIA: Deputy Director of Central Intelligence
Director, Intelligence Community Staff
Deputy Director, Intelligence Community Staff

FROM:


Chairman

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SUBJECT: Unauthorized Disclosures Information for PFIAB

Attached, per  request, are suggested remarks for your
19 November 1984 meeting with the President's Foreign Intelligence Advisory
Board (PFIAB) and a resumé of unauthorized disclosure investigations currently
under way in the Intelligence Community.

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Attachment: a/s

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DCI Talking Points on Leaks
for PFIAB Meeting 19 November 1984

Since our last discussion of the problem of unauthorized disclosures of classified intelligence, a U.S. Navy intelligence analyst has been indicted for furnishing classified satellite imagery to the British magazine, Jane's Defence Weekly. Samuel Morison is charged with both espionage and theft of government property. Because the case is in the courts, I will forego the details, but this is the most significant development to date in our efforts against leaks. If Mr. Morison is convicted, the lesson to those who would disclose our intelligence secrets to the news media will be clear. The days of risk-free leaking will have ended. That is not to say that we will be able to relax our efforts. It would represent a single victory in a long campaign.

If, on the other hand, the defendant is acquitted, it will illustrate vividly the grave need for legislation covering the specific misconduct alleged in this case. Prosecuting unauthorized disclosures places the government in the "Catch 22" position of having to divulge additional classified information to defense counsel, jury members, courtroom audiences and the press in order to prove damage to the national security and aid to a foreign power.

There is no existing law that specifically makes it a crime to divulge classified information publicly. The Espionage Act is invoked in secrecy agreements covering access to classified information. But this law was written to protect the United States from the likes of the KGB, not the likes of Jack Anderson.

We need a law. Based on the track record, I believe the Congress is unlikely to pass a law criminalizing the unauthorized disclosure of classified information in the broadest sense. I believe there is a much better chance,

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however, that Congress would respond favorably to an appeal for a law that would enable the DCI to carry out his Congressional mandate to protect intelligence sources and methods.

There already are laws that can put people in jail for divulging information about crops, the stock market, atomic energy and communications intelligence. None of these is regarded as weakening the government's resolve and ability to deal with espionage, a criticism leveled at the narrowly focused intelligence disclosures proposal. A law that criminalizes disclosures of classified intelligence to unauthorized persons is essential to the protection of sources and methods. Narrowing the law's focus will address actions which are clearly harmful to the national security and will help offset media misinterpretation or criticism that the intent is to deter whistle-blowers or public debate on policy issues. Those who would betray a trust and risk human lives and the effectiveness of our nation's intelligence safeguards, must do so at significant personal risk. Whatever else we do to combat leaks, we must make a maximum effort to obtain such a law.

To assist in gathering background data on the scope and nature of the problem of unauthorized disclosures of intelligence, I have authorized establishment of a center to gather and analyze the necessary data. The center will also coordinate Intelligence Community efforts to deal with leaks.

Two years ago (November 8, 1982), Judge Clark informed senior intelligence consumers of the President's reaffirmation of the longstanding policy that we will not comment on intelligence matters. He warned of the cycle of escalation which stems from disclosures of classified intelligence, no matter how well intended. Any exception to this policy, he wrote, can be granted only by the Assistant to the President for National Security Affairs based on the recommendation of the DCI. The message was clear: "The

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President is determined that all officials of this government understand this policy clearly and comply with it fully."

As you know, in the two years since that instruction, the erosion of our vital intelligence collection systems through unauthorized disclosures has continued unabated. There has been a clear and accelerating breakdown in discipline in the Executive Branch.

I ask that you consider recommending a restatement of the Presidential policy on commenting, for whatever purpose, on classified intelligence matters. I propose that this policy require prior coordination with the DCI of any disclosure to the media of classified intelligence, and the establishment of defined procedures for the timely and secure coordination of any proposed disclosures.

If the U.S. is to have a viable, credible intelligence service, the practice of leaking virtually its every action and every plan to the news media must be halted. An intelligence service that patently is unable to keep a secret is a joke. Covert operations that are freely discussed by politicians with the press are not covert. Satellite-collected intelligence that is used to influence public opinion risks the future effectiveness of the collection system. Publication of intelligence from human sources clearly has a chilling effect upon our agents abroad and gives even our closest allies cause to question our security reliability.

An intelligence service, per se, engages in the secret collection of information. In the United States, we cannot have any degree of confidence that either the collection process or the information collected will be kept secret.

Secrets cannot be kept forever, and in an open society like ours they obviously can't be kept as long as in totalitarian countries. But we must keep secrets better than they are now being kept. In the Jane's Defence

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Weekly case, the third of the published satellite photos was taken seven days or less before the editor of Jane's had them on his desk. Recent studies indicate that not only are leaks increasing in number and frequency, but the time it takes to leak is decreasing.

The time for action is now. To make our case for a secure intelligence service, we must have the support of everyone in the Administration who receives or handles intelligence. A single individual's acts can be devastating to the credibility of U.S. intelligence.

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